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COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Agenda item 5

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANTS ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS

Written statement submitted by the International Organization for the Development of Freedom of Education, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[11 March 1998]

GE.98-11363 (E)

Financial globalization and human rights

1. In 1997, in connection with the session of the Commission on Human Rights, World University Service (EUM) and the International Organization for the Development of Freedom of Education (OIDEL), in conjunction with the Financial Monitoring Centre, organized a symposium on the topic of "Financial globalization and human rights". The participants included: Mr. Guy Guermeur, Vice-President, OIDEL, and former Vice-President, ACP Commission, European Parliament; Mr. Paul H. Dembinski, Secretary-General, Financial Monitoring Centre, and Professor, University of Fribourg; Mr. Rubens Ricupero, Secretary-General, United Nations Conference on Trade and Development (UNCTAD); Mr. David Hartridge, Director, Financial Services Division, World Trade Organization; Mr. Christian Comeliau, Professor, Graduate Institute of Development Studies (IEUD), Geneva, and Mr. Patrice Meyer-Bisch, Coordinator, Interdisciplinary Institute of Ethics and Human Rights, University of Fribourg. The main statements are summarized below.

Mr. Guy Guermeur, Vice-President, OIDEL

2. Globalization has advanced substantially in the past half century: countries and individuals have become more and more parts of a single space. While this has not been entirely without negative effects, there is no denying that the elimination of borders has yielded substantial general economic growth. All the appeals for the seeking of a different model have failed, and those who have firmly espoused the Western economic model have fared better than those who have hesitated.

3. By facilitating trade, globalization has increased wealth and this has benefited the fundamental rights (such as the right to eat one's fill, the right to security, or the rights to freedom of expression and to information). Nonetheless, the system remains imperfect. Major contradictions are apparent: between employees and consumers, between employees and capitalists, between developing and developed countries, between the best organized countries and those countries that are still searching to some degree for their common structures.

4. Consequently, I think that, while human rights have benefited from the opening of borders, they may be at risk here and there. Our task, therefore, is to seek out the injustices and to ward off the attacks on human rights. Sectoral remedies have been found (World Trade Organization, International Labour Office and other United Nations agencies).

5. Is it really utopian to think that, under pressure from public opinion, a new attitude will shortly emerge among economic actors that will lead to the appointment of a human rights "gendarme"?

Mr. Paul H. Dembinski, Secretary-General, Financial Monitoring Centre, and Professor, University of Fribourg

6. For the past 20 years, a profound change has been under way in the relationships between financial activities and the rest of the economy. It is urgent to give thought to its scope and consequences, especially in the social sphere.

7. While figures may not be able to tell us about the nature of this change, they can give us an idea of its magnitude. Between 1980 and 1993, the nominal gross national product of the countries members of the Organization for Economic Cooperation and Development rose by a factor of 2.5, world trade turnover by a factor of 3.4 and the value of financial assets traded on major stock markets by a factor of 7.7. At the same time, the volume of foreign-exchange transactions increased 15-fold. Growth in financial activities has thus been between two and four times higher than growth in the rest of the economy.

8. This acceleration is causing a fundamental change in the place of finance in the modern economy: it has gone from being a specialized economic sector to being a cross-cutting activity that affects agriculture and industry as well as services. Finance is now more a part of our private life than in the past; its place in public and political life is constantly growing.

9. On 15 August 1971, President Nixon suspended the dollar's convertibility into gold. The discord between, or powerlessness of the Governments of the time sparked off the process of "currency privatization" that continues even today with the steady erosion of central banks' power to create money.

10. The change in the relationships between finance and the rest of the economy has at least two consequences:

The first has to do with the merging of the monetary and financial spheres, which were previously both legally and institutionally distinct. This new state of affairs is forcing us to redefine the powers and means for action of national, international and supranational public authorities, especially as regards surveillance and regulation;

The second has to do with the growing ambiguity of the relationships between finance, which is now becoming a global activity, and currencies, which remain a symbol of sovereignty in the general interest.

11. The Financial Monitoring Centre was born of the belief that it is now more important than before to promote convergence between the changes in finance and the requirements of the common welfare. The reason is that, while financial markets are unquestionably changing, controlling them is more problematical. It seems unlikely that they will be able to control themselves as long as, under the pressure of competition, the concern for immediate results remains preponderant. Control from outside seems hardly feasible in the short term, given the complexity of the issues involved and the weakness of the existing institutions.

12. The current financial tensions have arisen because we have given free rein to the speculative tendency that is within each of us. We have allowed ourselves to be seduced and overly impressed by the clarity, elegance and apparent rationality of the language of figures. It is time to acknowledge that, while it is essential to the proper functioning of economy and society, finance cannot be the ultimate deciding factor in our individual, family, industrial, political or social choices. Only in that way, which means using our own sense of responsibility, can excesses be avoided.

Mr. Rubens Ricupero, Secretary-General, United Nations Conference on Trade and Development (UNCTAD)

13. As the century draws to a close, I see two major problems in the world: inequality, both within and between countries, and unemployment. In neither case has the twentieth century yielded any satisfactory solution; on the contrary, the problems have been aggravated by globalization. In unifying markets, globalization unifies the economic area worldwide. If, in the past, barriers were sometimes responsible for inefficiencies, they also helped to protect the weaker sectors. As barriers begin to disappear, competition is intensified and becomes an issue in itself. It is competition that has made the United States such a productive economy.

14. At the same time, competition is a game and, like all games, it needs rules and referees. Without rules, competition, instead of having a positive effect, as expected, is creating anxiety. People are being asked, in the name of competition, to give up job tenure and wage increases. That is tantamount to asking people to give up their need for security, although that need, together with the need for affection, makes humans what they are. It is here, to my mind, that there lies the conflict between globalization and not just human rights, but the human condition.

15. Globalization is often portrayed as a recent economic phenomenon. In fact, it began around the end of the fifteenth century, with Europe's expansion through the mercantilist capitalism of the voyages first to America and then to Asia. This was a period studded with painful and cruel events: oppression, genocide, the slave trade, but it ended once and for all the isolation of the various branches of civilization. At the origin of this first wave of globalization was a cultural phenomenon. The economic change was made possible by new navigation techniques, legal innovations, bills of exchange, marine insurance contracts and the emergence of the joint-stock company.

16. In the same way, innovations in the modern world mean that the scope of production need no longer be national, but can be expanded to be International. We should not forget, however, that globalization is not solely the unification of the arena for production, investment, finance and trade; it is above all enlargement of the space for human action. Globalization must be beneficial to humans and should not require sacrifices from them. In other words, the economy is not a deterministic phenomenon; it is the result of political choices. Ordinary people must find a balance between the competition that is necessary for economies to survive and grow and the solidarity that is a weapon against inequality and unemployment.

17. It is not true that we are powerless in the face of such problems. Even the most serious problems, such as the problems of exchange speculation, have solutions. On the other hand, what is needed is political will to examine the solutions and implement them. That implies that societies must organize and influence their Governments.

Mr. David Hartridge, Director, Financial Services Division, World Trade Organization

18. The closure in 1993 of the Uruguay Round was marked by a number of events of decisive economic importance, among them the conclusion of the General Agreement on Trade in Services (GATS). GATS, which shares the philosophy propagated by GATT over the past 50 years with respect to trade in goods, aims at liberalizing trade in services, i.e. at facilitating the globalization of this sector. When speaking of economic globalization, one cannot overlook the action of GATT.

19. The intention of the agreement on services is to liberalize national markets so that efficient foreign producers can propose their services. Implicitly, therefore, it means promoting investment. The Agreement provides for the liberalization of all services, although what we are talking about here is primarily financial services. Financial services are, together with telecommunications, probably an essential part of any modern economy.

20. The conclusion of the Agreement means that nearly 90 countries - some two thirds of which are developing countries - are going to allow banks and insurance companies to set up in their territory. The great surprise is the extent of the participation by developing countries. Early on in the Uruguay Round, in the 1980s, developing countries were hesitant about such things. The Indian Ambassador explained his country's position in this way: if the Indian financial market was opened up, the major foreign banks would seize control of the profit-making activities, especially in the cities. By so doing, they would break the solidarity network imposed on domestic institutions, which had to be present in the remotest corners of India. What, then, caused the developing countries to change their mind? Belonging to GATS will help them to stay in the race by maintaining credibility with investors and so attract substantial funds to finance their development.

Mr. Christian Comeliau, Professor, Graduate Institute of Development Studies (IEUD), Geneva

21. Why does globalization give rise to fear for human rights? Is there any way of overcoming that fear?

22. Given the abundance of literature dealing with globalization, it is very important - especially in view of the limits of financial logic - to find ourselves a few guide marks. Mr. Ricupero has pointed out to us one of the most important of them: the fact that an economy derives from a social choice, and not vice versa.

23. We also have to acknowledge what a huge force financial globalization is. Compared with world production and trade, monetary and financial markets are incredibly dynamic. Insofar as those markets are an essential tool of the

market economy, financial globalization has a decisive impact on the development of the world economy. It is, however, a blind force, for it has no other logic than its own expansion and accumulation. Financial globalization lends itself particularly well to merchandising. The financial sphere is, therefore, becoming increasingly divorced from the "real" economy and the most urgent social needs. That naturally brings up the question of the connection between financial globalization and human rights. Financial globalization is neither inimical nor conducive to the enjoyment of human rights. It simply ignores them, for its logic is entirely different: it is not concerned with a particular concept of man, his fate or his needs.

24. The phenomenon of financial globalization reflects the concentration of power in the hands of a certain number of economic, mostly financial agents without their having any concomitant political or social responsibility. It is vital, therefore, to channel this concentration of power by a number of rules. There is a need for a clearer institutional framework defining the places of the various players. What rules there are at present are vague and gravely inadequate. What our economic relations are determines what kind of society we will live in; that is far too important a matter to be left to the operation of some unthinking machinery. We must, therefore, establish institutional rules in place of the deification of financial profitability. In the final analysis, what is needed is an essentially political arrangement, the product of political choices that it is urgent to clarify.

25. Since, however, no political choice can be made in isolation from the society concerned, the first requirement is to build up a basis of social and political support for the type of choice needed, so that the deliberations do not proceed in the abstract, out of touch with the concrete changes in the world economy.

Mr. Patrice Meyer-Bisch, Coordinator, Interdisciplinary Institute of Ethics and Human Rights, University of Fribourg

26. In the context with which we are concerned, globalization should be seen as a transition from international to global networking, where the players no longer need to go through national entities.

27. The question of the rational organization of the responsibility of the players in the domain of human rights must first be approached from the point of view of logic.

28. In our Institute, we have, over the past six years, found that human rights circles have a very simplistic idea of the economy and economic circles. The economy is only a mechanism for the allocation of resources, and people do not see the whole of its investment dimension or how far the implementation of a certain number of rights is essential to development, even though that is pointed out in many texts. Among people concerned with economic ethics, the search is for universal, explicit rules and ideas about human rights are very poorly developed. There is a need, therefore, to think not only about the human rights responsibilities of economic players, but also about the economic logics we need with regard to specifically economic and social rights and, lastly, about the economic dimension of human rights in general.

29. The parallel economic and social study of human rights will enable us to set proper thresholds for making all of these rights actionable rights. A logical approach alone, however, is not enough; it must be supplemented by structural analysis.

30. States are often taken to task, particularly in international bodies, because they are considered as having exclusive responsibility for human rights. But, insofar as a State is subject to the rule of law, that is not true.

31. What is needed is to say who is responsible for what. Where human rights are concerned, a lot of progress has been made in terms of awareness of this partnership - with respect, for example, to child labour. A lot remains to be done concerning the less readily identifiable rights: the authority itself has to be networked. What is needed is to develop the International Labour Organization's standards while respecting the scale of markets and giving its rightful place to the right to training, a right that is fundamental to the respect of economic rights.

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COMMISSION ON HUMAN RIGHTS
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QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS

Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[16 March 1998]

GE.98-11194 (E)

Protection of economic and social rights

1. With a billion people living below the poverty line in the world, the question of economic and social rights is of acute relevance. Since the cold war, importance has traditionally tended to be given more to civil and political rights than to economic and social rights, yet the latter are a fundamental condition for the exercise of the former: any genuine and substantial realization of freedom requires respect for economic and social rights no less than for civil and political rights. The principles of the universality, indivisibility and interdependence of human rights cannot, therefore, be satisfied in the currently prevailing situation, which makes economic and social rights the poor relations of human rights. Those principles were, however, forcefully reaffirmed in the Declaration and Programme of Action of the World Conference on Human Rights held at Vienna in 1993.

2. It is now time, five years after the Vienna Conference, for the Commission on Human Rights to become more involved in the fight to ensure respect for economic and social rights. Thus far, the Commission's findings have remained vague and have not led to any concrete measures to guarantee protection of these rights. The International Federation of Human Rights Leagues (FIDH), which is campaigning for respect for all human rights worldwide, held its most recent congress, attended by 105 member organizations and a group of international experts, on the topic "Act for respect for economic and social rights".

3. Since the campaign to ensure respect for these rights must be action-oriented, FIDH draws the Commission's attention to the conclusions reached at the end of its congress. The analysis of the situation of economic and social rights is centred on five major themes:

1. Policies and strategies of the international institutions

4. In many cases, the structural adjustment policies implemented by the international financial institutions - World Bank and International Monetary Fund - have had adverse consequences for economic and social rights, especially in the poorest countries and on the most disadvantaged populations, particularly women, rural populations and indigenous groups. The budgetary restrictions imposed by structural adjustment policies and the encouragement of privatization do not favour social and educational investment. The rights to work, health, education and housing are often sacrificed.

5. The importance placed by structural adjustment policies on reducing fiscal deficits as well as the conditionality of loans reduce the room for manoeuvre of States, which tend to disengage themselves from the economic sphere and frequently abdicate more and more of their responsibilities for the realization of economic and social rights.

2. Policies and strategies of the multinational corporations

6. Multinational corporations have acquired considerable weight in decision-making on matters within the realm of national sovereignty. Their role is becoming increasingly political rather than economic. Moreover, their

activities do not necessarily benefit the populations concerned, and are not always conducive to respect for human rights. For example, the process of delocalization and globalization of the economy is prompting them to establish themselves primarily in countries where social safeguards are less rigorous and wages are lower. Through negotiation, they obtain conditions that further serve their interests. Their governing principle of maximizing profits leads them at times to make the already precarious situation of workers even more fragile. However, the multinationals currently enjoy almost total impunity, though their responsibility concerning respect for economic and social rights is clearly coming into play on an increasing scale.

3. The conditionality of development assistance: bases and legitimacy

7. Since the 1980s, respect for democratic principles and human rights has been taken into account in the allocation of development assistance. A breach of these requirements entails the reduction, suspension or cancellation of aid. But the conditionality may be ambiguous, since it is often the people who have to pay the price, and are thus doubly penalized: by the stopping of aid and by the arbitrary practices of the authorities. The effects are more limited on the governments concerned. Conditionality is, therefore, a double-edged weapon that must be handled with caution.

4. Corruption and diversion of development assistance

8. International development assistance is subject to corruption and diversion, serving the private interests of a minority to the detriment of the target groups. The disastrous effect of such exactions on human rights is considerable. This corruption, both national and international, affects public administrations, political circles and the judiciary. The absence of international criminal law and regulations on currency movements encourages diversion. The lack of transparency concerning the routing of aid and the numerous intermediaries ensures their impunity.

5. The justiciability of economic and social rights

9. The violation of economic and social rights, which is very patent in the fields of health, education and housing, directly affects the standards of living of the most disadvantaged groups. These groups do not have effective means for ensuring that their grievances are heard. The remedies must be improved if there is to be genuine respect for economic and social rights.

10. In view of this situation, a number of recommendations were made at the FIDH congress.

11. The recommendations made to the international financial institutions were as follows:

Ensure greater transparency, at all levels, in negotiations on structural adjustment policies;

Establish policies and programmes of cooperation in conformity with the Universal Declaration of Human Rights and establish effective cooperation, within this framework, with human rights NGOs;

Promote the right of indigenous people to define and implement their own development strategies and carry out specific actions for the most vulnerable groups (women, rural populations and indigenous people).

12. The recommendations made to multinational corporations were as follows:

Encourage the inclusion of social clauses in all trade and economic cooperation agreements, making reference in particular to the standards of the International Labour Organization;

Elaborate a charter of ethics or a code of conduct for enterprises with activities abroad, in particular regarding supervision and sanctions, in conformity with the international instruments protecting economic and social rights, and specifically the right to work, and provide for an independent supervisory mechanism.

13. The following recommendations were made for the international community and governments:

Provide for publicity of economic and social rights and apply national policies and laws in conformity with these rights;

Make effective arrangements to ensure the equality of men and women in all fields;

Maintain humanitarian assistance in all circumstances and provide international funding for specific projects targeting the most disadvantaged populations and regions;

Set up a multipartite international body to monitor the conditions for the allocation of official development assistance and the institution of development cooperation programmes. Such supervision would focus on the transparency of aid, the allocation of loans, criteria for rigorous management and respect for fundamental rights and the rights of the State;

Train national leaders in anti-corruption laws;

Create national and international monitoring committees charged with supervising public contracts and banking structures;

Reinforce sanctions for acts of corruption or diversion;

Guarantee the independence and impartiality of the judicial system to ensure that both the corrupters and the corrupted are effectively prosecuted and convicted;

Adopt the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights, which affords in particular the possibility for individuals to appeal directly to the Committee on Economic, Social and Cultural Rights of the United Nations.

Appeal to the Commission on Human Rights

14. Since the early 1980s the Commission on Human Rights has considerably enhanced the effectiveness of its action by creating a number of special procedures for monitoring the implementation of various international human rights instruments. However, all the thematic procedures created by the Commission are at present concerned with civil and political rights. None of them deals with economic, social and cultural rights. With the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights, and in order to reaffirm forcefully that human rights are universal and indivisible, the time has come for the Commission to fill that gap and create mechanisms to monitor respect for economic, social and cultural rights, and play a significant role in affording protection against violations of those rights.

15. FIDH considers that the appointment of a special rapporteur for all economic, social and cultural rights would be likely to perpetuate the current imbalance within the Commission on Human Rights, since there are 13 different mechanisms dealing with civil and political rights. It therefore calls on the Commission this year to appoint a special rapporteur on one of the rights guaranteed by the International Covenant on Economic, Social and Cultural Rights, such as the right to education or the right to adequate food and housing, with a view to progressively establishing other mechanisms, at its next sessions, to monitor other economic and social rights.

16. The special rapporteur would be entrusted with gathering and processing information concerning the realization of this right, as guaranteed by the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, and would report to the Commission at its fifty-fifth session.

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COMMISSION ON HUMAN RIGHTS
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Agenda item 10

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[18 March 1998]

GE.98-11109 (E)

1. The International Federation of Human Rights Leagues (FIDH) and its affiliate, the Belarus League for Human Rights, are extremely concerned about the violations of human rights in Belarus. Although Belarus is a party to the main international human rights instruments (including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights), human rights are constantly violated. In the past two years, the situation has been worsening, human rights activists, journalists and opposition leaders being the main targets of the repression and harassment exerted by the Belarusian authorities.

Violations of freedom of speech and information

2. On 24 November 1997, the Highest Economic Court of Belarus put an end to the activities of the main opposition newspaper, Liberty. The whole procedure (public hearings and adoption of the decision) only lasted 15 minutes. This newspaper was accused of publishing articles calling for the use of force to change the political regime; actually, such articles never appeared in this newspaper. No criminal investigation was launched against the authors and the newspaper, as would have been the case if they had really incited to overthrow the regime by force. This episode demonstrates the direct repression exerted by the present political leaders of Belarus against those who disseminate information.

Violations of freedom of association

3. In the beginning of 1995, the Law on Public Associations in Belarus was enacted, which imposed re-registration on all NGOs. As a result, 400 of the 700 previously registered associations were put aside. The Belarus League for Human Rights applied several times for re-registration, without success, between 1995 and 1997. The Ministry of Justice requested this NGO to suppress three provisions from its statute, including the one pertaining to the right to distribute information about human rights violations.

4. Following the League's refusal to cancel the provisions concerned, the Ministry of Justice closed this NGO down; this decision was contrary to the Law on Public Associations in Belarus, according to which only the Supreme Court has the competence to close down a public association, after public hearings. The Ministry enjoined the bank to freeze the association's bank account, in contradiction with the financial legislation, which does not confer on him such a power.

5. The Ministry of Justice registered a "new" NGO whose members took over the office of the real League by force on 25 September 1997. The Chairman of the League, Mr. Evgeny Novikov, was interrogated and the police tried to make him sign an interrogation protocol which would allow him to be charged as a criminal. When he refused, he was physically assaulted and charged with insulting the Belarusian State by distributing information about the human rights situation in Belarus. This event took place after the participation of the League in the work of the forty-ninth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities of the United Nations, in the delegation of the FIDH. During that session, it denounced the violations of human rights in Belarus and increased its international contacts. The attacks against the League appear clearly to be reprisals.

6. The League's premises have been occupied by the members of the "new" league for three months. They made copies of the League's files and international contacts and stole its money. The Belarusian authorities did not react to the robbery of the League's premises, in spite of the multiple claims made by the League's members. In November 1997, Mr. Novikov was accused of using the money of the League to pursue personal interests. He was interrogated and ill-treated, and then he was declared innocent by the Ministry of Domestic Affairs, in December. Following the mobilization of the international community, the District Court of Minsk decided, on 17 December 1997, to give back the office to the original League, but on 29 January 1998, the City Court reversed this decision on appeal and sent the case back to the District Court. The proceedings before the latter were interrupted because a new investigation was launched against Mr. Novikov who was taken into custody and questioned for some hours on 25 February. He was beaten and insulted by the investigator, in the presence of the Chairman and other members of the "new" league. Their presence highlights the fact that these people enjoy very strong support from the State bodies. A result of the new procedure in February was also a statement by the chief of the district police station and the district prosecutor's office that Mr. Novikov never violated the Belarusian penal legislation. Today, the personal security of the League's members is still under threat, and the pro-governmental "new" league is still occupying their office.

7. Other NGOs are also facing harassment from the authorities. The Ministry of Justice refused twice to register the Belarusian Society of Former Political Prisoners of Stalin Gulag. Fictional reasons were invoked to justify this refusal, the first one being that the address of one of the founders was incorrect, the second one being, as confessed by an official in charge of NGO registrations, Evgeny Novikov's membership in this organization. The activities of the Belarusian Foundation for the Children of Chernobyl is prevented from working by massive financial checking by Belarusian authorities. The Belarusian National Research Centre East/West has been facing the same harassment, so it had to stop its activities these last months.

Political repression against independent lawyers

8. "Decree No. 12 on several measures on improving the practice of lawyers and notaries in the Republic of Belarus" adopted by President Lukashenko on 3 May 1997 seriously compromises the independence of lawyers. This decree states that only the Ministry of Justice can grant licences to lawyers and that lawyers have the right to defend citizens before the court only if they are members of the Bar Association (State Collegia), which is controlled by the Ministry. Any independent lawyer can be excluded from the justice system. These bear consequences on the right to a defence since the defendants are not able to have the lawyers of their choice. Moreover, this decree contradicts the Law on Lawyers' Activities.

9. The Belarusian authorities' prohibitions on the practice of the profession of lawyer are politically motivated. Mrs. Nadezda Dudareva and many other independent lawyers are victims of this political repression. After having worked as a lawyer for 24 years, Mrs. Dudareva obtained a private practice licence. She defended members of the opposition and peaceful

demonstrators. In July 1997, the Ministry of Justice forbid her to continue her activities as a lawyer in criminals trials, as she had refused to register with the Bar Association.

Repression against young political activists

10. Alexey Shidlovskiy (18 years old) and Vadim Lobkovich (16 years old) have been in pre-trial detention for three months; they are members of the youth faction of the Belarusian Popular Front. They were arrested as they were writing slogans on a fence against President Lukashenko and his policy. They have been in pre-trial detention since August and they were refused probation. During their trial, as early as the second day, journalists were not allowed inside the court.

Trade unions

11. Independent trade unions are facing strong resistance from the State, even though the Ministry of Justice finally agreed to register the Democratic Congress of Trade Unions of Belarus, at the beginning of 1998. However, the Federation of Trade Unions (a pro-Government union) proposed changes in the Law on Activities of the Trade Unions that could be very damaging to the independent trade unions. Indeed, it proposed that the ability of a trade union to sign an agreeement with an entreprise is conditioned upon 30 per cent of the employees being members of the organization. If such a proposal were to be accepted by the Lower Chamber of the Belarusian Parliament (pro-presidential body), this would entail a great loss of membership for the independent unions.

12. After examining the fourteenth periodical report of Belarus in 1997, the Human Rights Committee addressed important recommendations to the Government. In particular, the Committee called on the Government to limit death penalty sentences to the most serious crimes as stated in article 6 (3) of the International Covenant on Civil and Political Rights and to abolish the death penalty as soon as possible. In addition, the Committee called upon Belarus to modify laws and rules on pre-trial detention in order to make them meet the requirements of article 9 (3) of the Covenant. It also condemned the propiska system (residence licence) which limits the freedom of movement. The Committee also recommended to improve the detention conditions especially for people sentenced to the death penalty. The use of pressovtchiki and of punishment cells should be banned. All these recommendations remain to be implemented.

13. In conclusion, the FIDH and the BLHR are concerned that the Belarusian authorities are determined to try to eliminate all forms of opposition and that harassment against human rights defenders has intensified in the past months. They urge the Commission on Human Rights to examine the situation and to call upon the Government of Belarus to comply with its obligations under the international human rights instruments and to implement the recommendations of the Special Rapporteur on freedom of opinion and expression.